

REMARKS

1. Formalities

Recordation of Substance of Interview with the Examiner. Pursuant to MPEP § 713.04, applicant submits the following complete and proper recordation of the substance of any interview, which addresses items (A) - (H) as set forth in that Section.

During the Examiner interview conducted October 11, 2007, various amendments to the claims were discussed, namely amendments to claims 1 and 19 of the application. The specific prior art of record discussed was that of Exhibit U (fundraising.com retrieved from www.archive.org). During the interview, it was proposed to amend the claims to recite that the plurality of flags being used to comprise the healing field are a specific type, namely patriotic. Applicant's principal argument was that the prior art Exhibit U did not disclose such. In light of the interview, independent claims 1 and 19, as well as various dependent claims, were amended to recite a "plurality of patriotic flags." It was agreed that this amendment would overcome the cited prior art. No other matters were discussed.

Claim Amendments. Applicant has made appropriate amendments to independent claims 1 and 19. Applicant has also added new claim 20. No new matter has been added.

The amended claim language regarding the temporary and repeatable nature of a healing field is disclosed in the specification. For example, the recitation that a "healing field may be placed in a location that coincides with the charitable cause, or it may be placed in a public park, around a public or private building, along a lake, a river, a path," or "a road, a highway, a trail, a hill, a mountain, or a military base," etc. illustrates that the location is not intended to be dedicated to a permanent healing field, but that the healing field may temporarily occupy a location that is pre-existing and that may have one or more other uses, before and after the display of a healing field. See Present Patent Application, page 4, lines 9-12 and 19-20. For example, the healing field may be created by displaying the flags in a public park. In particular, in the event a healing field is constructed in a public park, it would be desirable that the public park be allowed to return to its former use and not be maintained as a permanent healing field, as this was not the dedicated purpose of the park.

A further example of the temporary and repeatable nature of a healing field is the element of sponsorship. Sponsorship, as a financial endeavor, is inherently finite and is often recurring.

These attributes are acknowledged in the specification regarding “the size of the campaign.” See Present Patent Application, page 3, line 22. The temporary and recurring attributes are also illustrated in the fact that a charity “may design the graphic layout of the field of flags in the healing field to correlate to a graphic figure relating to the charity.” See Present Patent Application, page 4, lines 2-3. Further evidence of the temporary and repeatable nature of a healing field is that of selling the flags to generate money for the charitable cause by reducing overhead. See Present Patent Application, page 5, lines 5-10. Selling flags from one healing field both promotes the next healing field and produces a need for new, replacement flags. Thus, the claim amendments have explicit or inherent support in the specification and no new matter has been introduced.

2. *Claim Rejections -- 35 U.S.C. § 102*

Claims 1-8, 10-16, and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated based on public use and knowledge of the invention.

In response, Applicant has amended independent claims 1 and 19 to recite that in the step of displaying the healing field, the plurality of flags temporarily occupies a location not dedicated to providing a permanent display of the patriotic flags. Claims 1 and 19 have also been amended to recite the step of removing the plurality of patriotic flags to eliminate the healing field from the location.

Applicant respectfully submits that the cited prior art Exhibit U does not disclose a plurality of patriotic flags in a temporary occupation of a location not dedicated to providing a permanent display of the patriotic flags. Nor does Exhibit U disclose removing the plurality of patriotic flags to eliminate the healing field from the location once the fundraising event is complete. Rather, Exhibit U explicitly discloses a permanent display at a location specifically dedicated to providing the permanent display. This is clearly evidenced by the language in Exhibit U, wherein the freedom field “is a planned 30-acre educational park and entertainment facility...” See Exhibit U. Indeed, the freedom field represents a permanent location in the form of a visitor’s center specifically dedicated to the display of flags, as well as providing many other attractions (see Exhibit U, wherein the Freedom Field location comprises various monuments, buildings, halls, gardens, pathways, etc). As such, Applicant submits that Exhibit U does not anticipate the present invention, and that the present invention, as claimed, was not in public use

more than one year prior to Applicant's earliest priority date, nor was it known to the public prior to this date.

Dependent claims 2-8 and 10-16 place further limitations on what is otherwise allowable subject matter, as argued above. Therefore, Applicant respectfully submits that these claims stand in a condition for allowance.

Based on the foregoing, Applicant respectfully submits that the cited prior art does not anticipate any of the claims of the present invention. As such, Applicant respectfully requests that the rejection under 35 U.S.C. § 102 be withdrawn from consideration.

3. *Claim Rejections -- 35 U.S.C. § 103*

Claims 9, 17, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over cited prior art Exhibit U. Applicant appreciates the concerns raised by the Examiner, but respectfully submits that in light of the arguments presented below, Exhibit U does not render the claims of the present invention obvious.

In the office action regarding the 35 U.S.C. § 103 rejection, the Examiner asserts that Exhibit U teaches all of the claim limitations of claim 1, from which claims 9, 17, and 18 depend. In light of the amendment to claim 1, and the remarks set forth above, Applicant respectfully submits that Exhibit U does not teach all of the claim limitations of claim 1. Therefore, the Examiner's arguments attempting to supply the additional missing elements of dependent claims 9, 17, and 18 using Exhibit U falls short in that Exhibit U does not teach or suggest the elements of independent claim 1. As dependent claims 9, 17, and 18 place further limitations on independent claim 1, which is argued above as allowable over Exhibit U, Applicant respectfully submits that Exhibit U does not render claims 9, 17, and 18 obvious under 35 U.S.C. § 103, but that these claims also stand in a condition for allowance.

Based on the foregoing, Applicant submits that the prior art does not render the claims of the present invention obvious. As such, Applicant respectfully requests that the claims of the application be reconsidered and that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Based on the foregoing, Applicant respectfully submits that the deficiencies in the application have been corrected and that the proposed claims are neither anticipated nor rendered obvious by the prior art references cited by the Examiner. As such, Applicant believes that the application is now in a condition for allowance, and action to that end is respectfully requested.

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 23rd day of June, 2008.

Respectfully submitted,

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